

7-16-01
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Joe Anello

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE
REQUEST FOR FILING
(RULE 53(b)(1))

JC803 U.S. PTO



02/15/01

For Design or Utility Applications

(DO NOT USE FOR CIPs)

Rule 53(b)(1) PATENT APPLICATION:

Continuation) application under 37 CFR 1.53(b)(1)
 Divisional) application under 37 CFR 1.53(b)(1)
of pending prior application of

Group Art Unit: 2811

Examiner: M. Tran

Inventor(s): MANABE et al.

Parent Appln. No.: 09 | Series Code ↑ | Serial No. ↑ | 379,621

Atty. Dkt. PM 276665 | New M# | F99-156-USDIV | Client Ref

Parent Filed: August 24, 1999

This Appln. Filed: February 15, 2001

Title: LIGHT-EMITTING SEMICONDUCTOR DEVICE USING GROUP III NITRIDE COMPOUND

Hon. Commissioner of Patents
Washington, DC 20231

Date: February 15, 2001
(Parent Matter No. 259308)

SD

To effect the above-requested filing today:

Attached is a copy (**which must be filed**) of the prior application, including:

Abstract
 Specification and claims (34 pages) (**must be attached**)
 Drawings (**must be attached if originally filed**): 13 sheet(s)/set: 1 set informal; Formal of size A4 11"

1A (1) Always X one box, only:

Copy of Signed declaration or oath as originally filed in prior application attached
 NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2.

This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application (**DELETE THE FOLLOWING INVENTOR(S)**):

1. _____
3. _____
5. _____
7. _____

2. _____
4. _____
6. _____
8. _____

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1. Katsuhide MANABE
3. Michinari SASSA
5. Makoto ASAI
7. Masayoshi KOIKE

2. Hisaki KATO
4. Shiro YAMAZAKI
6. Naoki SHIBATA
8. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. Priority is claimed under 35 U.S.C. 119/365 based on filing in **JAPAN** (country) of

Application No.	Filing Date	Application No.	Filing Date
(1) <u>6/76514</u>	<u>22 March 1994</u>	(2) <u>6/113484</u>	<u>28 April 1994</u>
(3) <u>6/197914</u>	<u>28 July 1994</u>	(4) _____	_____
(5) _____	_____	(6) _____	_____

a. (No.) Certified copy/copies attached.
 b. Certified copy/copies previously filed on March 21, 1995 in
 U.S. Application No. 08/408,164, filed on March 21, 1995.
 series code ↑ ↑ serial no.

c. Certified copy/copies filed during International stage of PCT/
 (a) Domestic priority is claimed from / , filed /
 PCT/
 (b) Benefit is claimed of Provisional Application No. 60/ , filed

5. Prior application is assigned to TOYODA GOSEI CO., LTD.
 by assignment recorded August 24, 1999 Reel 010199 Frame 0736.
 (Date)

6. Attached is the following number of Assignments (including original and all later successive ones by
 different assignors): 1 and respective new Cover Sheets. (Do NOT file old cover sheets.)

(Assignments in parent must be refiled with new Cover Sheets in this continuing application if you
 want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. The power of attorney in the prior application is to G. Lloyd Knight, Reg. No. 17,698, Pillsbury Winthrop
 LLP

(Name and Reg. No.)
 whose current address is as in item 8 below.

a. Recognize as associate attorney _____

(Name, Reg. No. and Address)

8. Address all future communications to Intellectual Property Group
of Pillsbury Winthrop LLP, Ninth Floor, East Tower 1100 New York Avenue, N.W.,
Washington, D.C. 20005-3918

9. Amend the specification by inserting before the first line the sentence: --This is a
 continuation division of Application No. 09/379,621, filed August 24, 1999
 series code ↑ ↑ serial no.

A1
 Allowed and which is a divisional of 09/379,621 filed August 24, 1999, which in turn is a
 continuation of 08/408,164 filed on March 21, 1995, the contents of which (i.e., both
 applications) are incorporated herein by reference.

9. (a) Amend the specification by inserting before the first line: --This application claims the benefit of
Provisional Application No. 60/ , filed

10. **Small Entity Status** is Not claimed is claimed (pre-filing confirmation required)

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:
 filed in above prior application
 attached.

11. Petition to extend the life of the above prior application to at least the date hereof
 (one box) is being concurrently filed in that prior application (Use Form PAT-111).
 (must be) was previously filed in that prior application (Check length of prior extension).
 (X'd) is not necessary for copendency (Double check before X'ing this box).

12. **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.

13. Attached is a Rule 103(a) Petition to Suspend Action.

14. **PRELIMINARY AMENDMENT to be entered before fee calculation:** (Do not make amendments here except for correction of improper multiple dependencies or cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee per MPEP §§ 506 and 607; do not cancel all claims).

Please cancel claims 2-15.

FILING FEE
THE FOLLOWING FILING FEE IS BASED ON
->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-

NOTE: If box 1A2 is X'd, do not pay fees,
but leave lines 15-22 and 27-32 blank.

PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.

			Large/Small Entity		Fee Code
15. Basic Filing Fee		Design Application	\$320/\$160		106/26
16. Basic Filing Fee		Utility Application	\$710/\$355	+710	101/201
17. Total Effective Claims	1	minus 20 =	0	x \$18/\$9	+0
18. Independent Claims	1	minus 3 =	0	x \$80/\$40	+0
19. If any proper multiple dependent claim (ignore improper) is present,			\$270/\$135	+0	102/202
20.				Subtotal =	\$710
21. If "petition" box 13 above is X'd, add petition fee	\$130			+0	122
21A. If box 6 above is X'd, add Assignment recording fee	\$ 40			+40	581

TOTAL FILING FEE ATTACHED =

\$750

(carry forward to Item 31)

22. See **NONPUBLICATION REQUEST** under Rule 213(a) attached (PAT-258)

23. ATTACHED: Preliminary Amendment with form PTO-1449 and listed documents

24. Preliminary Amendment attached (to be entered after assigning Appln. No.)

25. The following PRELIMINARY AMENDMENT is to be entered after assigning Appln. No.:

**ADDITIONAL FEE CALCULATION
PRELIMINARY AMENDMENT
PER BOXES 24/25**

Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee	File Code
			<u>Large/Small Entity</u>	
27. Total Effective Claims <u>*2</u>	minus ** <u>20</u>	<u>0</u>	<u>\$ 0</u>	(103/203)
28. Independent Claims <u>*1</u>	minus *** <u>3</u>	<u> </u>	<u>+ 0</u>	(102/202)
29. If amendment enters proper multiple dependent claim(s) into this application for the first time, add (per application) <u>\$270/\$135</u>			<u>+ 0</u>	(104/204)
30.	ADDITIONAL FEE			<u>\$ </u>
31.	plus FEE from item 22 on page 3			<u>+ 750</u>
32.	<u>TOTAL FEE ATTACHED</u>			<u>\$ 750</u>
33.	*If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"			
34.	**If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space			
35.	If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space			
	Our Deposit Account No. 03-3975	276665		
	Our Order No. 31317	C#	M#	

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.
This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP
Intellectual Property Group

1100 New York Avenue, NW
Ninth Floor
Washington, DC 20005-3918
Tel: (202) 861-3000
GLK/rdt
Atty./Sec.

By Atty: G. Lloyd Knight

Reg. No. 17698

Sig: LW/K

Fax: (202) 822-0944
Tel: (202) 861-3090

NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments
NOTE No. 2: Is extension in parent necessary for copendency? DOUBLE CHECK Item 11 above.
 If yes, printout Pat-111 and head it in parent.